

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

EDWARD E. GEMMILL

PLAINTIFF

V.

CIVIL ACTION NO.1:05CV692 LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

MEMORANDUM OPINION and ORDER

The Court has before it the motion [28] of Defendant State Farm Fire and Casualty Company (State Farm) To Change Venue. The Court also has before it State Farm's motion [52] for an evidentiary hearing and the plaintiffs' motion [56] To Strike the affidavit of Edward J. Bronson. State Farm has submitted this affidavit in support of its motion for a change of venue.

State Farm's motion for a change of venue is based upon its contention that a fair and impartial jury cannot be drawn from the pool of jurors available in this division. State Farm asserts that the publicity surrounding the issues to be tried is so pervasive that the selection of a fair and impartial jury is not possible. Based on my having conducted a voir dire examination of the individuals called for jury duty in *Broussard v. State Farm Fire and Casualty Company*, Civil Action No. 1:06cv006, I have determined that a fair and impartial jury can be drawn from the pool of jurors available in this district. I am sensitive to the issues State Farm has raised, and I will conduct the voir dire examination of the potential jurors in this case with attention to the concerns that underlie State Farm's motion. I do not believe, however, that a change of venue is necessary to assure a fair trial in this action.

Upon request, I will grant leave to State Farm's representatives during the trial to make an appropriate record of any additional information relevant to their motion for change of venue should subsequent events make it just to do so.

Accordingly, it is

ORDERED

That the motion [28] of State Farm Fire and Casualty Company To Change the Venue of this action is hereby **DENIED**, without prejudice to its right to seek leave of Court to supplement its objection to venue if events occurring subsequent to the filing of this motion [28] justify such a supplementation;

That the motion [52] of State Farm Fire and Casualty Company for an evidentiary hearing on its motion for a change of venue is hereby **DENIED AS MOOT**; and

That the motion [56] of the plaintiffs To Strike the Affidavit of Edward J. Bronson is hereby **DENIED AS MOOT**.

SO ORDERED this 12th day of February, 2007.

s/L. T. Senter, Jr.
L. T. Senter, Jr.
Senior Judge